

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-9 will be pending. By this amendment, claims 1, 7, and 8 have been amended; and claim 9 has been added. No new matter has been added.

§ 103 Rejection of Claims 1-8

In Section 3 of the Office Action, claims 1-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ginter *et al.* (U.S. Patent Application No. 2003; hereinafter referred to as "Ginter").

In the Background section of the Specification, it was disclosed that "key code information contains content usage right information that sets the range (or limits) within which the contents can be utilized (content usage rights). The user may utilize the contents within the range of the content rights. The contents therefore cannot be used unless the user has acquired the usage rights." *Background of the Specification, page 1, line 23 to page 2, line 4.* "When usage of the contents is for example restricted by a count limit (number of times the contents can be used) by copyright protection technology, the user may unknowingly reach the count limit or time limit for which the contents can be used, causing the problem that the user is unable to utilize the contents when needed." *Background of the Specification, page 3, lines 14-19.*

To address the above-described problems, embodiments of the present invention provide for managing the contents based on key code information containing content usage information set within a range that the contents can be utilized to determine whether the contents are used

within the range set by said content usage rights information. For example, the steps of the contents control method in claim 1, as presented herein, includes:

“comparing said content usage rights information with status code information showing the usage status of said contents;

determining whether the contents are used within the range set by said content usage rights information;

comparing said status code information with output setting information having a threshold value within the range of said contents usage rights information to warn by warning report data when in proximity to said contents usage rights in the case where said status code information is within the range of said contents usage rights information; and

outputting said warning report data when said status code information exceeds said output setting information.”

(emphasis added)

Therefore, the contents control method of claim 1 includes a comparison of the content usage rights information with the usage status of the contents and a determination whether the contents are used within the range set by the content usage rights information. Claim 1 also includes a comparison of the status code information with output setting information to issue warning report data when in proximity to the contents usage rights in the case where the status code information is within the range of the contents usage rights information.

Ginter discloses, in one applicable embodiment, somewhat vague and broad concept of keeping “track of events” in the “meter process 404” illustrated in Figure 3. However, the “meter” process described in Ginter is performed to determine the price of the events and to generate an appropriate bill for the events. Therefore, it is submitted that Ginter fails to teach or suggest comparing the content usage rights information with the usage status of the contents and determining whether the contents are used within the range set by the content usage rights information

Further, the Office Action (page 3) cited Paragraphs 1054, 2070-2073, and 2078 in maintaining that “Ginter does teach that his system has the capability to perform user “pop-up dialog windows” that will warn users of certain events and conditions related to their use of controlled content”. *Ginter, Paragraph 1054*. The Office Action further indicated that “Alarms may be set up using these windows to notify the user of approaching budget limits, i.e., time allowed for using a protected content, number of copies allowed, etc.”

However, Paragraph 1054 includes a table which describes a “Set Alarm” condition that notifies the user of an alarm event at the time of the alarm. The table indicates that the parameters to this request determine the event, frequency, and request processing for the alarm. The table never mentions a warning pop-up window.

Paragraphs 2070-2073 and 2078 describe that “pop-up user interface dialogues can be provided to specify user preferences, such as setting limits on budgets and/or other aspects of object content usage during any one session or over a certain duration of time or until a certain point in time.” *Ginter, Paragraph 2072*. Therefore, it is submitted that Ginter fails to teach or suggest comparing the status code information with output setting information to issue warning report data when in proximity to the contents usage rights in the case where the status code information is within the range of the contents usage rights information. Further, the paragraphs never mention an alarm system to warn the user of any impending time limits.

Based on the foregoing discussion, claim 1 should allowable over Ginter. Since claims 2-6 depend from claim 1, claims 2-6 should also be allowable over Ginter. Since independent claims 7 and 8 closely parallel, and include substantially similar limitations as, independent claim 1, claims 7 and 8 should also be allowable over Ginter.

Accordingly, it is submitted that the Examiner's rejection of claims 1-8 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Newly-added Claim 9

Since newly-added independent claim 9 closely parallels, and includes substantially similar limitations as, independent claim 1, claim 9 should also be allowable over Ginter.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-9 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

PATENT

Appl. No. 09/894,628

Attorney Docket No. 450100-03297

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:


Samuel S. Lee, Reg. No. 42,791 for

William S. Frommer

Reg. No. 25,506

(212) 588-0800